

## **I am planning a project near a surface water. Do I need a permit?**

Most likely, the answer is yes. Projects that involve tree and vegetation removal, excavation, filling, or landscaping may require a permit. However, the type of permit you may need depends on the type of water body in question. Below are some of the most common permits required for each type of water body. Determining the type or classification of a surface water body may take some expertise provided by City Staff, your local watershed district or watershed management organization, Dakota County, or the MN Department of Natural Resources.

### **Stormwater Ponds:**

Water bodies either created or used for stormwater treatment and storage. To confuse the issue, stormwater ponds can also be classified as jurisdictional wetlands (listed below). To find out for certain, contact City Staff.

**Permits required:** Any land area within 100' of a water body listed on the City's Wetland Systems Map, is within the Water Systems District, and is subject to governance under Chapter 2. *Wetland Systems*, of Title 12 of City Code. Any work done within this district boundary may require a permit. If the pond was not constructed, and/or deemed a jurisdictional wetland under the MN Wetland Conservation Act (WCA) (MN Rules, Chapter 8420), a permit may be required. The City is the Local Government Unit charged with the administration of the WCA for projects affecting wetlands in Mendota Heights.

### **MN Wetland Conservation Act (WCA) Jurisdictional Wetlands:**

The technical definition of a wetland under the MN WCA, MN Rules Chapter 8420, is as follows – *Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, with a predominance of hydric soils; inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and under normal circumstances, support a prevalence of hydrophytic vegetation.* Determining whether a wetland is under jurisdiction of the MN WCA may require contacting City Staff and/or hiring a Certified Wetland Delineator. Visit the [Minnesota Board of Water and Soil Resources' website](#) for additional information on jurisdictional wetlands.

**Permits required:** If the wetland is listed on the City's Wetland Systems Map, it is protected under Chapter 2. *Wetland Systems*, of Title 12 in City Code. Any work done within 100' may require a permit from the City. Any work done within a jurisdictional wetland may require a permit under the MN Wetland Conservation Act. Some projects may also require a permit from the [US Army Corps of Engineers](#). Contact City Staff for more information.

## **MN DNR Public Waters:**

These are (typically) large bodies of open water that include: Type 3, 4, and 5 wetlands that are 10 acres or more in size, shallow lakes, lakes, significant streams, and rivers. Public waters are listed and mapped on the [MN DNR's Public Waters Inventory](#).

**Permits required:** Any work done at or below the Ordinary High Water level of a Public Water may require a permit from the MN Department of Natural Resources. If the wetland is listed on the City's Wetland Systems Map, it is protected under Chapter 2. Wetland Systems, of Title 12 in City Code. Any work done within 100' may require a permit from the City. Some projects may also require a permit under the MN Wetland Conservation Act, or from the [US Army Corps of Engineers](#).

If you have further questions regarding the type of surface water body on or near your property, or permit requirements, contact:

Krista Spreiter, Natural Resources Coordinator

[KSpreiter@mendotaheightsmn.gov](mailto:KSpreiter@mendotaheightsmn.gov)

651-255-1123